IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2729 OF 2006

Rajesh Jaswantlal Solanki ... Petitioner

V/s.

The Commissioner of Police, Greater Mumbai & Ors. ... Respondents

Mr. Rizwan G. Merchant for the petitioner.

Mr.S. R. Borulkar, PP with Mrs. A. S. Pai, APP for the State.

Mr. Ravindra K. Doiphode, PI, M.R.A. Marg Police Station.

ALONG WITH

CRIMINAL APPLICATION NO. 16 of 2007

IN

WRIT PETITION NO. 2729 OF 2006

Rajesh Jaswantlal Solanki ... Petitioner

V/s.

The Commissioner of Police, Greater Mumbai & Ors. ... Respondents

AND

Rajendra Dhondu Bhosale. ... Applicant/ Intervener.

Mr. Rizwan G. Merchant for the petitioner.

Mr.S. R. Borulkar, PP with Mrs. A. S. Pai, APP for the State.

Mr. Ravindra K. Doiphode, PI, M.R.A. Marg Police Station.

Ms. S.D. Khot for applicant/intervener.

ALONG WITH

CRIMINAL APPLICATION NO. 25 of 2007

IN

WRIT PETITION NO. 2729 OF 2006

Rajesh Jaswantlal Solanki ... Petitioner

V/s.

The Commissioner of Police, Greater Mumbai & Ors. ... Respondents

AND

Ravindranath S. Shelatkar & Anr.... Applicants/ Interveners.

Mr. Rizwan G. Merchant for the petitioner.

Mr.S. R. Borulkar, PP with Mrs. A. S. Pai, APP for the State.

Mr. Ravindra K. Doiphode, PI, M.R.A. Marg Police Station.

Mr. J. G. Bhanushali for the applicants/interveners.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA,JJ.

DATE : 23rd Febraury, 2007.

P.C.

We have heard Mr. Merchant, the learned counsel appearing for the petitioner. The petitioner, inter-alia, seeks an order directing respondent 2 to effect the arrest of the accused against the FIR in

C.R.No.13 of 2006 dated 21/11/2006. We have also heard Mr. Borulkar, the learned PP for the State.

2. Mr. Ravindra K. Doiphode. Inspector of Police, M.R.A. Marg Police Station, Mumbai, has filed an affidavit. We have taken the same on record. Mr. Borulkar, the learned PP, on instructions from Mr.Doiphode states that the FIR is lodged with M.R.A. Marg Police Station in C.R.No. 13 of 2006 for the offences punishable under Sections 191, 192, 193, 195, 196, 200, 211 of the Indian Penal Code r/w Sections 58 and 8(c), 29 of the N.D.P.S. Act-1985 r/w Sections 3 and 25 of the Arms Act and the investigation is in progress. He states that as per the judgment of Division Bench of this Court in **Writ Petition No. 1254 of 2006- Jagannath Singh Vs. Dr. Ajay Upadhyay and Anr. dated 14/07/2006** before completion of the investigation police shall approach the learned Magistrate for custody of the accused if required. In view of this statement in our opinion it is not necessary to entertain this petition.

3. The petition is, therefore, dismissed. However, we make it clear that we have not examined the merits of the contentions raised by the petitioner in this

petition.

4. Two intervention applications are filed in this petition. One is filed by Mr.Rajendra D. Bhosale being Criminal Application No.16 of 2007 and another being Criminal Application No. 25 of 2007 filed by Mr.Ravindra S. Shelatkar and Mr.Padman R. Sunderan. We have not entertained these intervention applications as we do not want to expand the scope to this petition. However, we keep all the contentions raised in these intervention applications open and if any remedy is available in law to the interveners, they will be free to adopt it. We also make it clear that since we have not expressed any opinion on the merits of this case, the learned Magistrate seized of the matter shall deal with it independently and in accordance with law.

[SMT.RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]